

408 660
RECEIVED
CENTRAL FAX CENTER
MAR 01 2005

Practitioner's Docket No. ABE1P002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:)
) Group Art Unit: 3629
John R. Abe)
) Examiner: Woo, Richard
Application No. 10/644,944)
) Atty. Docket No. ABE1P002
Filed: 08/19/2003)
) Date: March 1, 2005
For: CONTINUOUS PRICE OPTIMIZATION)
SYSTEM, METHOD AND COMPUTER)
PROGRAM PRODUCT FOR SATISFYING)
CERTAIN BUSINESS OBJECTIVES)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

Identification of Person(s) Making This Disclaimer

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)
with sufficient postage as first class mail.

37 C.F.R. § 1.10*
as "Express Mail Post Office to Addressee"
Mailing Label No. (mandatory)

TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office. (703) 872-9306.

Date: 3/1/05

Melissa D. Orvis
Signature

Melissa D. Orvis
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Terminal Disclaimer to Obviate a Double Patenting Rejection—page 1 of 3

I, Kevin J. Zilka, represent that I am the attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER

(Provisional Obviousness-Type Double Patenting Rejection Over A Pending Application)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of any patent granted on Application No. 10/644,949, filed on August 19, 2003, as shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the above-listed application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No. 10/644,949, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE (37 C.F.R. § 1.20(d))

Other than a small entity--fee \$130.00.

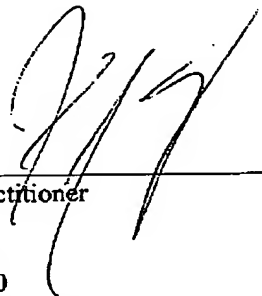
FEE PAYMENT

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 50-1351 (Order No. ABE1P002).

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Reg. No.: 41,429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab, PC
P.O. Box 721120
San Jose, CA 95172-1120
USA

Terminal Disclaimer to Obviate a Double Patenting Rejection—page 3 of 3